G. R. S. 59] GPB—15,000 20-12-13

GENERAL AND REVENUE SECRETARIAT.

1902.
(P V 8)

P-20

File No. 1—02.

Serial Nos. 12 & 14.

~~**Papers Filed.**~~

Month ~~of~~ March 1903.

SUBJECT.

Memorial from prisoner Hamma against the orders passed by the chief court.

PREVIOUS REFERENCES.	LATER REFERENCES.
	Indexed. N. B. Thommanna. Communicated [illegible]

Memorial of prisoner sentenced to death

GOVERNMENT OF MYSORE

Name of prisoner -- Hanuma.

No of Case - - - - - - Chitaldrug Sessions Case No 4 of 1902-03 and Criminal appeal case No 57 / Criminal Reffered case No 5 of 1902-03 on the file of the Chief Court of Mysore.

Sentence originally passed and that confirmed or altered in appeal. } Sentenced to death by the Sessions Judge of the Shimoga Division and this sentence was confirmed by the Chief Court.

Date of Sentence 5th December 1902.

—

The memorialist has been convicted of the murder of one Rangi on the night of the 18th July 1902 and sentenced to death. From 4 or 5 months previous to the murder, the memorialist, Hanuma had been living in the house of

of Siddalinga, the father
-in-law of the deceased,
Ranga. The memorialist
and Siddaliga were car-
-rying on trade in Sagar.
During his stay in
Siddaliga's house,
the memorialist and
Karki the daughter of
Siddaliga and wife
of the murdered, Ranga,
became friends. Their
intimacy was discovered
by Ranga, who commun-
-icated the same to his
father-in-law, Siddaliga.
In consequence of this
Siddaliga turned
the memorialist out
of his house and the
latter went and lived
in the house of
Siddaliga's brother,
Hattiga. On the occasion
when his criminal
intimacy with Karki
was discovered by
Ranga, Hamma (memorialist)

is

is stated to have threatened to cut him with a sickle.

On the 18th July 902, Ranga was sleeping alone in a hut outside the village in a 'Hola' of Siddalinga. On the 19th morning Ranga's brother-in-law went to the hut. Ranga was found to have been beaten. He was speechless and unconscious. His clothes and the mat on which he was sleeping were covered with blood. Information having been given to the Patel of the village, he reports the matter to the Police Station. The Police Jamadar came to the Scene of murder and got Ranga removed to the Chavadi where he was carefully nursed. Ranga recovered his consciousness so far as to mention

mention to the Jemadar
did others that the
Memorialist, Hamuma,
had beaten him. Hamuma
was thereupon arrested.
His clothes were covered
with extensive blood
stains. Ranga was thereupon
removed to Mavilkanave
for being treated in
the hospital, but he
died there on the 21st
afternoon. Ranga
pointed out the
Memorialist, Hamuma,
as his murderer both
on the 19th night and
20th morning (Vide
exhibits B & C). In the
committing Magistrate's
court, the Memorialist
confessed his guilt.
He stated that he
struck Ranga thrice
with a stone as big
as a cocoanut on
his left temple and
returned to the village
on the night of the murder.

But

GOVERNMENT OF MADRAS

But in the Court of Session, he retracted the confession, and stated that he was tortured by the Police to make the confession and that he was not in the village on the day of the murder. The Sessions Judge found that neither the alleged torture by the Police nor the alibi advanced by the memorialist had been proved, and was of opinion that Ranga died from violence at the hands of the accused. He therefore agreeing with the assessors convicted the memorialist of the offence of murder and sentenced him to be hanged. The Chief Court held that the confessional statement was sufficiently

corroborated by the evidence of the prosecution and that there were no extenuating circumstances in the case to justify this interference with the sentence passed on the memorialist. They accordingly affirmed the conviction and sentence and dismissed the appeal of the memorialist.

The memorialist now states that he did not commit the murder and prays that he may be released

Submitted, orders

14/2/03

18/2/03

There seem to be no grounds whatever for interference.

18/2

The Dewan through the Judl Councillor

I quite agree - In my humble opinion the memorial should be rejected - Clemency 17/2/03

D.139
16-2-03.

17/2

Submitted to the Bench.

7

8516
D 18.2.03

18/2/03

Submitted with the Hon'ble Memo.

The memorialist has been convicted of murder & sentenced to death by the S. J. of Nagar (Mr Ramaswami Iyer now in Mysore). On appeal the finding & sentence have been confirmed by the Chief Court. (Ramachandra C.J. & Mackleyah J.)

The main support for the conviction is the confession of the deceased person - This confession was made to the same Magistrate Mr Shabbaz Sundara Ayyar & Head of Harading - Mr Ramaswamy explanation as to why the Magistrate of the same taluq was resorted to for this purpose but no objection has been taken in Mysore Amildars & Magistrates are also Heads of Police charged with the duty of detection and investigation of crimes, but this Magistrate does not seem to have investigated this case - It may be assumed that the procedure was correct. There was some re-

§

distribution of charges and this is in evidence that the village in which the offence took place was under foreign rule - whether it was so on the date of the offence - & the recording of the confession is not very clear -

The confession was withdrawn & upheld by S. Judge but both he and the Judges of the Privy Court have held that the confession was voluntary and that it has been corroborated in material particulars - they have thus acted upon it. It is also in evidence that the deceased mentioned the name of Hanuma - the present memorialist - to Police Jemedar and the Patel. The deceased detected undue intimacy between the prisoner & the former's wife which resulted in the prisoner being sent away from one Siddalingaiah (father-in-law of the deceased) house where both the deceased and the prisoner were living This is said to be the motive for the act. On the whole the conviction seems to be sound if the confession is believed - and both the Courts have seen no reason not to do so. The prisoner is 30 yrs old and

21

9

GOVERNMENT OF MYSORE

The sentence is not disproportionate with offence — The memorial is one which under the rules ——— may be rejected —

19.II.23

GS SECRETARIAT STORE

10

Record of Case submitted for the orders of His Highness the Maharaja.

SECTION No.

FILE No.

SERIAL No.

Subject.

349

Memorial of Hemmna &c. convicted in Sessions Case No. 4 of 1902. 3 on the file of the Sessions Judge of Shimoga (Chitaldroog), praying that the sentence of death passed upon him may be set aside –

Order.

I see no grounds for interference.

K.R.H.
26/2/03

Ordered accordingly
27.II.03

454
27.2.03.

Recd 2-3-03.
Put up Draft 5-4
Draft & Fair
Issued
4/3/03

28/2

(with a precedent about to be adopted)

2/3

The Dewan.

D. No. 767
2.03

(General Serial No. 30.)

OFFICE ~~189~~ 1902-03
Regd. No 8799
13 FEB. 1903
DEWAN OF MEWAR

From Registrar of the Chief Court, Dungarpur

To The Secretary to the Govt. of Dungarpur

Dated 9th February

Despatched "

Received

SECTION Judl
FILE NO. 1 — 1902
SERIAL NO. ~~XII~~ 12.

Enclosures No. 3 + Records

General No. 4576
No. 166

Forwards a memorial (with English translation) addressed to H.H. the Maha Rajah of Dungarpur by Hamuma accused in Chitaldwar Sessions case No. 4 of 1902-03 together with the entire record of the case

Judl
13. 2 03

No 4570 Jan: 3
166 of Memo

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2

Bangalore 9th February 1903

From,

V. A. Rajaratna mudt. Esqr:
Registrar, Chief Court of Mysore

To,

H. V. Nanjundayya Esqr: M.A.M.L.
Secretary to Government,
Jud: & Rev: Departments

Sir,

I am directed to forward a memorial (with English translation) addressed to His Highness the Maharaja of Mysore by Hanuma, accused in Chitaldrug Sessions case no 4 of 1902-03 in the file of the Sessions Judge, Shimoga, and appellant in Cr: Ap / Cr Repn no 57 / case no 5 of 1902-03 in the file of this Court.

The Sessions Judge of Shimoga through whom the memorial was received, states that the sentence of death passed upon the memorialist has been ordered to be suspended pending disposal

of

of his memorial.

The entire record of the case is herewith forwarded.

I have the honor to be,
Sir
your most obedient servant,

Registrar

Con to Sl 12

To

His Highness the Maharaja
of Mysore.

May it please your Highness

The humble memorial of Hamma,
prisoner in Shimoga Jail.

I most respectfully beg to submit
the following for your Highness' generous
consideration

(1) I have been sentenced to capital
punishment in Chitaldroog Sessions Case
No 4 of 1902-03, under Section 302 of
the Indian Penal Code. But I have
not committed the offence charged
against me. I had preferred an ap-
peal to the Honorable Chief Court
against the sentence and it was
dismissed.

(2) I have herewith submitted the
copy

5 copy of Judgment passed by the Chief Court.

(3) I most respectfully and humbly beg to solicit that your Highness will be graciously pleased to peruse the proceedings of the Appellate Court as also of the Lower Court and direct the release of the Memorialist who is innocent

(4) During the first year of your Highness' Reign many of the prisoners were set at liberty and on the occasion of the Coronation of His Majesty the Emperor of India, a number of prisoners were released and remissions of sentences were also granted in the case of others. There is no body else but your Highness to save my life.

I therefore pray that your Highness will be graciously pleased to save my life. M. Hamma

Translation

Venkataravadhani

Sessions Jail

Trichinopoly Division

Ind

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En 45 sl 12

6.2.903

ಹೆಸರು ವಿಳಾಸ ಅಪರಾಧಗಳು ಅವುಗಳ ಸಂಖ್ಯೆ ಮತ್ತು ಕಲಂ ಶಿಕ್ಷೆಯ ಪ್ರಮಾಣ ಮತ್ತು ಸ್ವರೂಪ ಶಿಕ್ಷೆಯ ಪ್ರಾರಂಭ ದಿನಾಂಕ ಶಿಕ್ಷೆಯ ಮುಕ್ತಾಯ ದಿನಾಂಕ ಶಿಕ್ಷೆಯ ಅವಧಿಯಲ್ಲಿ ಕಳೆದ ಸಮಯ ಶಿಕ್ಷೆಯ ಅವಧಿಯಲ್ಲಿ ಕಳೆಯಬೇಕಾ

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In the Chief Court of Mysore, at Bangalore.
Friday the 5th day of December 1902.

Present

Mr. Justice A. Ramachandra Iyar. Chief Judge
and
Mr. Justice G. F. Markeljohn, Judge.

Petition of Criminal appeal / Criminal Referred No. 57 of 1902-3 against the conviction and sentence by the Sessions Judge of Shimoga, under Section 302 of the Indian Penal Code in Chitaldroog Sessions Case No. 4 of 1902-3. — Appellant Hanuma (accused)

Judgment

The prisoner Hanuma has been convicted of murder by the Sessions Judge of Shimoga and sentenced to death.

2. He has submitted a long petition of appeal in which he alleges that his confessional statement was not voluntarily made, that the witnesses have falsely deposed against him, that their evidence is discrepant and that as Ranga, the deceased had many enemies, some one has committed this act

at

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at the instigation of one Sidlinga, that the deceased did not point him out as the man who struck him and that his conduct in going before the Police shows that he was innocent.

3. The evidence is conclusive against the prisoner who was pointed out by the murdered man before his death as the man who had beaten him. Hamuma also made a confessional statement before the Arnildar Magistrate in which he clearly confesses his guilt. He also admitted before the Committing Magistrate that he was guilty but in the Sessions Court he retracted this statement, saying he was tortured by the Police and forced to make the admissions he did. But there is not the slightest evidence of this. On the other hand, there is the evidence of the 1st, 2nd and 3rd witnesses, that the deceased, before he died, pointed out the accused as the man who had beaten him and there is the evidence of the 6th and 7th witnesses that the deceased had caught the accused sleeping with his wife (7th witness) and had therefore been turned out of Sidlinga's house, which supplies the motive for the murder. It is true that the 2nd witness says the dispute for which the accused was turned out was about

Ragi

raga, in which the 6- witness and deceased were trading, but the deceased's wife herself admits the adultery. This woman Kirki, 6- prose- -cution witness, seems to have been asked by the accused Hamma whether she had instigated him to kill her husband with a sickle and even in the grounds of appeal to this Court the accused says 'at the instigation of Sidlinga some one has committed this act and that Sidlinga also asked him to admit promising that he would get him his daughter and money'. This shows what his relations with Kirki were. The accused's only witness (summoned by him, apparently to prove an alibi) does not help him at all. He says 'How can I know when he was going and coming'.

The confessional statement is sufficiently corroborated by the evidence for the prosecution and there are no extenu- -ating circumstances in the case which would justify our interference with the sen- -tence passed on the Appellant.

We affirm the conviction and sentence appealed against and dismiss this appeal.

Copy

Registrar.

Registrar

OFFICE OF THE GOVERNMENT OF MYSORE.

No. 1366 Dated Bangalore, 4/3/03

14 Records

From

The General Secretary to the Government of Mysore.

To

The Registrar of the Chief Court of Mysore.

DIARY No. 1402

SECTION No. 14

Sir,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Ramma d, undergoing sentence of death in the Jail, copy of order passed by H. H. the Maharaja Regent of Mysore, on the prisoner's memorial rejecting the same.

2. The entire records received with your letter No. 4570/166 dated 9th February 1903, are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

General Secretary.

3/3/03